

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA**

**IN RE APPLICATION OF JULIO MIGUEL
ORLANDINI-AGREDA AND COMPAÑÍA
MINERA ORLANDINI LTDA. FOR AN
ORDER TO TAKE DISCOVERY
PURSUANT TO 28 U.S.C. § 1782**

Case No. 1:17-mc-00029-LO-IDD

**NOTICE OF UNOPPOSED MOTION
OF THE PLURINATIONAL STATE OF
BOLIVIA TO INTERVENE AND
PARTICIPATE IN DISCOVERY**

PLEASE TAKE NOTICE that, pursuant to Federal Rules of Civil Procedure 24 and 45, the Plurinational State of Bolivia (hereafter, “Bolivia” or “Intervenor”), by and through its undersigned counsel, respectfully moves this Court for an order permitting Bolivia to intervene in this proceeding and to participate in the discovery served by Petitioners Julio Miguel Orlandini-Agreda and Compañía Minera Orlandini Ltda. (“Petitioners”) on Gonzalo Sánchez de Lozada (“Sánchez de Lozada”).

There is good cause to grant Bolivia’s motion to intervene and participate in the discovery proceedings. First, Petitioners and Sánchez de Lozada do not oppose Bolivia’s intervention in the above-captioned matter. They have consented to Bolivia’s intervention for the purpose of participating in the discovery, and Bolivia has agreed not to object to the above-referenced petition or the discovery sought therein.¹

Second, Bolivia’s motion is supported by facts and law. As more fully set forth in the accompanying Memorandum of Law, Petitioners have submitted a Petition under 28 U.S.C. §

¹ Bolivia reserves its right to object to the use of any discovery obtained through the above-referenced proceeding in any arbitration that petitioners may subsequently bring against Bolivia.

1782 (the “Petition”), seeking to serve a Rule 45 subpoena on Sánchez de Lozada for the production of documents and deposition testimony. Petitioners have explicitly stated that they seek such discovery “in connection with a soon to be filed investment treaty arbitration against the Plurinational State of Bolivia.” Petition (ECF 1) ¶ 4. According to Petitioners, they intend to seek “significant damages from Bolivia” in their threatened arbitration. *Id.* ¶ 11.

Bolivia – as the party against whom Petitioners seek to deploy the documents and deposition testimony obtained from Sánchez de Lozada in their threatened arbitration – is entitled (a) to participate in these proceedings; (b) to receive copies of any and all documents obtained from Sánchez de Lozada pursuant to the Petition; (c) to participate in any deposition(s) of Sánchez de Lozada taken by Petitioners pursuant to the Petition; and (d) to obtain such further relief as may be proper.

Bolivia further waives its right to a hearing on this unopposed motion.

A proposed Order is attached.

Dated: December 14, 2017

Respectfully submitted,



Rani A. Habash

Virginia Bar No. 78541

Alexandre de Gramont*

D.C. Bar No. 430640

DECHERT LLP

1900 K Street NW

Washington, DC 20006

rani.habash@dechert.com

alexandre.degramont@dechert.com

Telephone: 1 (202) 261-3300

Facsimile: 1 (202) 261-3333

**pro hac vice* petition to be filed

*Counsel for Petitioner the Plurinational
State of Bolivia*